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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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8 UNITED STATES OF AMERICA,

No. CR S-02-0151-MCE-CMK
CIV S-07-0247-MCE-CMK

9 Respondent,

10 vs.

ORDER

11 SCOTT MICHAEL VOGELSANG,

12 Movant.
13 _____/

14 Movant, a federal prisoner proceeding pro se, appeals this court's June 19, 2008,
15 order denying his motion to correct or set aside a criminal judgment pursuant to 28 U.S.C.
16 § 2255. Pending before the court are movant's motions for appointment of counsel (Doc. 256 in
17 the criminal docket) and for leave to proceed in forma pauperis on appeal (Doc. 257 in the
18 criminal docket). Because this matter is on appeal to the United States Court of Appeals for the
19 Ninth Circuit, movant's motion are denied without prejudice to renewing them in that court.

20 IT IS SO ORDERED.
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22 DATED: July 23, 2008

23 
24 **CRAIG M. KELLISON**
25 UNITED STATES MAGISTRATE JUDGE
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